



Langley Research Center

LPR 3432.1E

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PERFORMANCE-BASED ACTIONS

National Aeronautics and Space Administration

Responsible Office: Office of Human Capital Management

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PREFACE

P.1 PURPOSE

- a. This Langley Procedural Requirements (LPR) summarizes the procedures for taking performance-based actions (reductions in grade or removals) against an employee only for such cause as will promote the efficiency of the service.
- b. The Office of Human Capital Management (OHCM) should be consulted for further information and guidance before taking any formal action.

P.2 APPLICABILITY

This LPR is applicable to all civil servant employees at Langley Research Center.

P.3 AUTHORITY

Title 5, United States Code (USC), Part III, Subpart C, Chapter 43
Code of Federal Regulations (CFR), Title 5, Parts 432

P.4 APPLICABLE DOCUMENTS

- a. NPD 3000.1C, "Human Capital Management"
- b. LAPD 1200.5, "Delegation of Authority to Take Disciplinary and Adverse Actions"

P.5 MEASUREMENT VERIFICATION

None

P.6 CANCELLATION

Cancels LPR 3432.1, dated May 24, 2005

Original signed on file
Center Associate Director

DISTRIBUTION

Approved for public release via the Langley Management System; distribution is unlimited.

CHAPTER 1. Procedure for Performance-Based Reduction in Grade or Removal Actions

1.1 Employees Covered

All NASA Employees, except members of the Senior Executive Service, NASA Excepted Service (NEX) employees, and employees in Scientific and Technical (ST) and Senior Level (SL) Positions

1.2 Required Management Documentation

1.2.1 Documentation required in preparation of a notice of deficient or unacceptable performance includes, but is not limited to:

- a. Copy of employee's performance plan.
- b. Any additional documentation establishing that the standards and elements were communicated to the employee.
- c. Production and/or accuracy records.
- d. Representative samples of the employee's work that demonstrate his or her unacceptable performance in one or more critical elements.
- e. Documentation concerning any efforts the Agency made to assist the employee, including any counseling memoranda and training records.
- f. Documentation establishing that the employee was afforded a reasonable time to demonstrate acceptable performance and that he or she did not do so.
- g. Copy of employee's previous performance plan(s) and rating(s).
- h. Agency memoranda to the employee concerning such matters as counseling or offers of assistance in connection with an alcohol or drug-related problem, or other health problem, and, if known, the results of such offers.

1.3 Addressing Deficient Performance

1.3.1 Performance evaluation, which includes periodic communication between supervisors and employees, should be an ongoing process. Supervisors are encouraged to undertake timely employee counseling as an effective means of addressing performance problems as they arise. Counseling employees about specific performance deficiencies as soon as they arise and offering appropriate assistance can often prevent more serious performance problems.

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NOTE: All counseling should be documented for record via memorandum, e-mail, etc.

1.4 Notifying the Employee of Unacceptable Performance

1.4.1 Employee must be notified in writing of the critical element(s) in which performance is unacceptable and provided a minimum of 30 days to demonstrate acceptable performance; the process otherwise referred to as a performance improvement plan (PIP). The notice must include:

- a. Critical element(s) and standard(s) affected.
- b. Specifics concerning performance deficiencies.
- c. Statement of the level of performance that must be achieved in order to meet or exceed critical performance standards.
- d. An opportunity for the employee (at least 30 days) to demonstrate established performance standard(s).
- e. Offer of supervisory assistance in performing assigned duties and responsibilities.
- f. Notice to the employee that fully successful performance must be achieved and sustained beyond the opportunity period or a reduction in grade or removal action may be proposed.

1.5 Proposing Action

1.5.1 If performance does not improve after completion of the PIP, the supervisor must propose a personnel action to remove the employee from the position, e.g., demotion or removal, or the employee may be reassigned.

1.5.2 A proposed action will include:

- a. A 30-day advance notice of the proposed action.
- b. Specific instances of unacceptable performance during the PIP from which the proposed action is based.
- c. Critical elements involved in each instance of unacceptable performance.
- d. Employee's right to be represented by an attorney or other representative in accordance with a negotiated labor agreement.
- e. Employee's right to answer both orally and in writing and the time allowed (at least 7 calendar days) for the answer.

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- f. Location of the evidence supporting the proposed action and notice that it is available for the employee's review.
- g. Reasonable amount of official time to prepare (normally 4 to 8 hours) and present any reply.
- h. Notice that any reply will be considered in the final decision.
- i. Notice as to where the policies and procedures governing the action are kept and how to review them.

1.6 Final Written Decision

1.6.1 A final written decision should be issued to the employee within 60 days after receipt of the proposed action. The decision notice must be given to the employee prior to or at the time the action becomes effective. The decision letter will include:

- a. Decision.
- b. Effective date of the action.
- c. Instances of unacceptable performance upon which the action is based.
- d. Notice of time limits for appealing to the Merit Systems Protection Board (MSPB), including the address of the appropriate board office.
- e. Web site to access MSPB regulations and information about e-filing.
- f. Copy of the MSPB appeal form.
- g. Notice of any rights the employee has to file a grievance on which the proposed action is based.